



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed August 4, 2015, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Dodge County Dept. of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 9, 2015, by telephone.

The issue for determination is whether the county correctly determined petitioner's FS amount for July and August, 2015.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Dodge County Dept. of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Jefferson County. She resided in Dodge County until early September, 2015.
2. Petitioner applied for FS on July 10, 2015 for herself and her boyfriend. The county obtained their income and expense information.
3. By a notice dated July 30, 2015, the county informed petitioner that the FS allotment would be \$11 for July (the minimum \$16 prorated from July 10), and then \$16 for August.

4. The household did not have a rent or utility obligation in the two months in question. Combined gross income was \$1,773.77. There was no child care expense, and neither individual is blind or disabled.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$155 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, Appendix 4.6.2. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); FS Handbook, App. 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, App. 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, App. 4.6.6. The final deduction is for shelter expenses; the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d)(5); FS Handbook, App. 4.6.7.

The gross income limit for a household of two is \$2,656. Handbook, App. 8.1.1. The net income limit for a household of two is \$1,328. Handbook, App. 8.1.1.

As can be seen, expenses that are counted against income in an FS calculation are limited. In petitioner's case the only expenses were the earned income deduction and the standard deduction. From the \$1,773.77 gross income, \$354.75 earned income deduction and \$155 standard deduction were taken out, leaving \$1,264.02 net income. A two person household with that net income receives \$16 FS. Handbook, App. 8.1.2. A review of the FS allotment table shows that net monthly income would have to be \$1,133 or lower to receive even one dollar more in FS in a month. To get \$100 in FS net income would have to be \$856 or less.

With the couple moving to a new address and paying rent, the net income will be reduced and FS likely higher. As noted, petitioner should get her case moved to Jefferson County, where they live now.

CONCLUSIONS OF LAW

The county correctly calculated petitioner's FS allotments when she applied in July, 2015.

THEREFORE, it is


ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.



The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

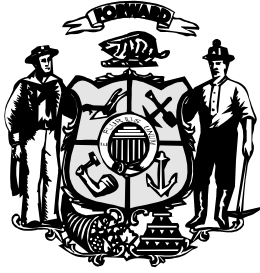
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 11th day of September, 2015

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on September 11, 2015.

Dodge County Department of Human Services
Division of Health Care Access and Accountability